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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,396	04/18/2001	Frank R. Callaghan		7653

7590 01/25/2005
Frank R. Callaghan
337 Fairway Road
Ridgewood, NJ 07450

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,396

Applicant(s)

CALLAGHAN ET AL.

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment paper 10/26/2004 not entered!.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/19/2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Nonresponsive Amendment.</u> |

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NONRESPONSIVE AMENDMENT

NONRESPONSIVE AMENDMENT

1. The reply filed on 10/26/2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's request for reconsideration is nonresponsive because Applicant's response failed to reply to every ground of objection and rejection in the prior Office action (see MPEP 714.02 & 714.03), i.e., Applicant's response to the Domestic Priority Objection (i.e., DOMESTIC PRIORITY NOT GRANTED) objection) in the prior Office is nonresponsive for the following reasons: (1) Applicants failed to show where a claim for benefit of Domestic Priority is found in the specification or Oath or Declaration or any where else in the instant application; Applicant merely states that "The claim for priority was believed to be requested as written in the beginning portion of the specification as filed; (2) Applicants failed to provide an exact location, i.e., page and line number, where the alleged claim for Domestic Priority is written; (3) The provisional application at issue still appears to lack a specification; and (4) Applicants' remarks merely request "what procedure is required to claim such a priority." ABSTRACT does not comply with MPEP 608.01(b)); the ABSTRACT is too long; the text in the ABSTRACT exceeds 150 words.

Because the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction or withdraw such claim for Domestic Priority in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED**

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UNDER 37 CFR 1.136(a); however, because Applicants' response is deemed nonresponsive, further examination on the merits is not conducted in this Office action.

Notice of Non-Compliant Amendment

PRO SE

2. Inventors are not discouraged from prosecuting applications for letters patent; however, lack of skill in this field may serve as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

If applicant continues to prosecute the application pro se, revision of the specification and claims **may continue be required** to present the application in proper form. While an application can be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed.

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AMENDMENT NOT ENTERED

BONE FIDE, NON-COMPLIANT AMENDMENT

3. Amendment paper filed on 10/26/2004 does not comply with the requirements of MPEP 714.02 & 714.03; therefore, said amendment paper is not entered.

CLAIM REJECTIONS — 35 U.S.C. §101

4. Rejections Maintained for claims 1-15, because the amendments at issue merely recite nonfunctional descriptive material, i.e., a database; notwithstanding the fact that the nonresponsive amendment at issue is not entered.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

5. Rejections of claims 1-21 are maintained. Examination on the merits not required because amendment not entered.

RESPONSE TO ARGUMENTS

6. Applicant's arguments (filed 10/26/2004) have been considered but are not persuasive for the following reasons:

Applicants' arguments are moot based because the instant amendment paper is not entered.

In response to Applicants' Conditional Request for Constructive Assistance, Applicants' are advised as stated above to retain representation of a registered patent practitioner. NOTE:

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The Examiner may provide constructive assistance “When an application discloses patentable subject matter and it is apparent from the claims and Applicant’s arguments that the claims are intended to be directed to such patentable subject matter. . . .” (see MPEP 707.07(j)). In this case it is not apparent to the Examiner that the application discloses patentable subject matter; furthermore, the obviousness rejections of the claims in the instant application are maintained.

CONCLUSION

7. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or
(703) 746-7239 (for formal communications marked AFTER-FINAL) or
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

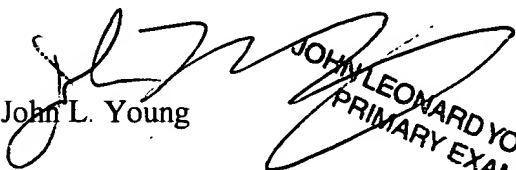
Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

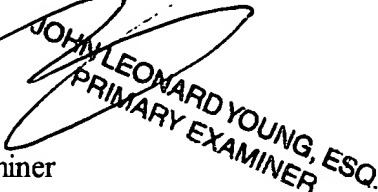
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469 or (571) 272-6724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Primary Patent Examiner


JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

(703) 305 3801 or (571) 272-6725

January 19, 2005